

DECLARATION OF TIMOTHY R. LOHRAFF

STATE OF WASHINGTON)
COUNTY OF KING) : SS

I, Timothy R. Lohraff, being first duly sworn and upon my oath, depose and say:

1. I am an attorney licensed to practice law in the State of Washington and admitted to the Bar of this Court. The Office of the Federal Public Defender was appointed to represent Mr. Lamont and I am the attorney assigned to handle the case.

2. Mr. Lamont is an 18 year old young man who has been diagnosed with Asperger's Syndrome, a variant of autism.

3. Mr. Lamont was taken out of the public schools in 1998 while in the sixth grade due his condition of Asperger's. While his mother purportedly "home schooled" Elroy, she was always working full time herself and was emotionally and psychologically incapable of successfully dealing with the severe challenges presented by home schooling a child suffering from Asperger's Syndrome. Elroy, therefore, has had little educational experience in his entire life

4. He currently lives with his mother and step-father in Darrington, Washington, a remote and rural area which has no educational opportunities for Elroy.

5. After a long and arduous process, Jennifer Davis, who is employed as a paralegal by the Federal Public Defender's Office, recently arranged for Elroy to be enrolled in Edmonds Career Access Program, a program for young adults to earn a certificate or degree in a professional or technical program while simultaneously completing their high school diploma. This is not a G.E.D. class. Mr. Lamont will be studying for a high school degree. (Literature from the program attached as Exhibit 1).

6. Mr. Lamont is going to be attending a four day orientation program starting Monday, February 28. He will then undergo testing to determine whether he will be

1 placed in the Career Access Program (which leads to a high school degree and a separate
2 certification in a skill or trade) or will initially be placed in the adult basic education
3 program (ABE) leading to a high school degree, and wait-listed for placement in the
4 EdCAP program.

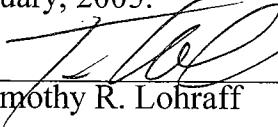
5 7. A three count indictment charges him with making a false threat using
6 explosive materials via interstate commerce, in violation of 18 U.S.C. § 844(e), on three
7 separate days in May, 2004.

8 8. Because of the indictment, Magistrate Judge Monica Benton, without
9 objection from Mr. Lamont, placed reasonable restrictions on his right to use and/or
10 access computers. (Appearance bond attached as Exhibit 2).

11 9. Undersigned counsel has spoken with Pretrial Services Officer Lonnie Kaman
12 and Assistant United States Attorney Vince Lombardi on February 23, 2005 concerning
13 this motion. Ms. Kaman was enthusiastic about the proposal, stating that it is exactly
14 what Mr. Lamont needs, and approves Mr. Lamont's request to be allowed to use
15 computers for academic purposes while attending classes at Edmonds Community
16 College. Mr. Lombardi has also agreed with the proposed modification to Elroy's
17 appearance bond allowing him to use and access computers on the Edmonds Community
18 College campus for academic purposes only while he is attending class and completing
19 homework and coursework. He will be using computers on campus either in class or
20 while at the Services For Students With Disabilities Center, which computers are
21 monitored by the college.

22 For all of the above reasons, Mr. Lamont respectfully requests that this Court
23 modify the terms of his appearance bond to allow him to access and use the computers
24 on the campus of Edmonds Community College solely for academic purposes related to
25 his class work while he is on the campus so that he may participate in the first
26 meaningful educational opportunity of his young adult life.

1 DATED this 24th day of February, 2005.
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 24, 2005 I electronically filed the foregoing
3 document with the Clerk of the Court using the CM/ECF system which will also send
4 electronic notification of such filing to the following:

5 Vince Lombardi
6 Assistant United States Attorney
Vince_Lombardi@usdoj.gov

7 s/Timothy R. Lohraff, WSBA # 32145
8 Assistant Federal Public Defender
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